

SAMUELS AND NORTHROP CO., LPA

ATTORNEYS AT LAW

180 EAST BROAD STREET, SUITE 816
COLUMBUS, OHIO 43215

TELEPHONE: 614 464-3232
TELECOPIER: 614 464-0709



July 6, 1993

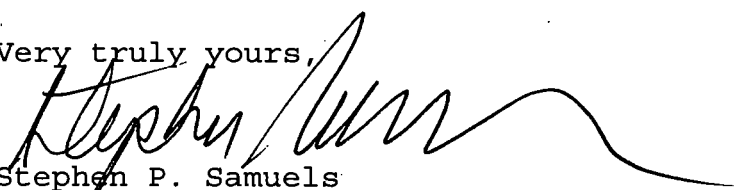
Catherine Garypie
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson CM-3T
Chicago, Illinois 60604

Re: Responses of Greene County to
Section 104(e) Request for Information

Dear Ms. Garypie:

In accordance with the letter from Ralph Harper, Greene County Administrator, to you dated July 6, 1993, enclosed are the attachments to Greene County's preliminary response to U.S. EPA's Section 104(e) request for information.

Very truly yours,


Stephen P. Samuels

SPS/bap
Enclosures
cc: Ralph Harper (with enclosure)

Timothy E. Denger, P.E. (Director)
Thomas A. Saygers, P.E. (Deputy Director, Operations
and Maintenance)
Greene County Sanitary Engineering Department
667 Dayton-Xenia Road
Xenia, Ohio 45385

Stephen P. Samuels, Esq.
Samuels and Northrop Company, LPA
180 East Broad Street, Suite 816
Columbus, Ohio 43215
Counsel for Greene County

2. Identify the source(s) of all documents consulted, examined, or referred to in the preparation of the answers to these Requests (e.g., particular persons, plants, divisions or departments).

Greene County Services
Greene County Department of Human Services
Greene County Sanitary Engineering Department
Greene County Board of County Commissioners

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons, and each request for which the person is identified.

None known as of the preparation of this response.

4. List the EPA Identification Numbers of the Respondent.

Not applicable.

5. Identify any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. Describe the acts or omissions which may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site and damages resulting therefrom.

None known as of the preparation of this response.

6. Identify each facility that Respondent owned or operated in Clark County, Ohio, Greene County, Ohio, Miami County, Ohio, or Montgomery County, Ohio, from January 1, 1959, to December 31, 1985. List the name and address of each facility and the operating status of each facility (currently operating, closed,

etc.) and identify the current owner or operator, if not the Respondent.

The term "facility" is not defined in the Request. The definition in Section 101(9) of CERCLA is so broad that a response based on it would be impossible. Please provide a working definition of the term so that we may respond to this item.

7. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and or operators at any of the facilities identified in response to 6., above.

Please refer to the response to item 6.

8. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials from January 1, 1959 to December 31, 1985? If the answer to the preceding question is anything but an unqualified "no", identify:

The County believes that it used, purchased and stored substances classified as hazardous during the stated time frame including paint products, paint thinners, degreasers, chemicals used for water supply and waste water treatment. The County is continuing to interview persons and review documents to attempt to obtain answers to the subparts of this request, and will supplement its response as such information is obtained.

a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;

b) Who supplied you with such hazardous substances;

c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

9. Did you or any other person working with you or on your behalf ever accept waste materials for transportation to the Site from any person between January 1, 1959 and December 31, 1985? If the answer to this question is anything but an unequivocal no, identify:

No.

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests or analyses and analytical results concerning each material;
- h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

10. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site between January 1, 1959 and December 31, 1985. In addition, identify the following:

The County has no knowledge that any person arranged for the transportation, disposal or treatment of County-generated waste materials at or to the Site during the stated time frame. Some County-generated waste was transported by County vehicles but, to the County's knowledge, none of that waste was disposed of at the Powell Road landfill. In addition, the cities of Xenia and Fairborn transported some County-generated waste office paper.

a) The persons with whom you or such other persons made such arrangements, including, but not limited to, SCA, SCA of Ohio, SCA of Dayton, SCA-Miami County, Container Services, IWD, Koogler-Suburban, Blaylock Trucking, Dempsey Trucking, LTT Hauling, Elwood D. Vince, General Refuse, Delaney & Simpson, N & N Commercial Waste, Montgomery County, and Miami County;

The Greene County Board of Commissioners entered into a contract with IWD for trash removal for the period February 1, 1982 - January 31, 1984. The contract did not specify, and Greene County has no knowledge, as to the site(s) where the trash was disposed.

b) Every date on which such arrangements took place;

The initial contract referred to in paragraph (a) was executed by the County on January 5, 1982 and stated that service was to commence on February 1, 1982. It did not specify a termination date. A "renewal" contract, covering the period February 1, 1983-January 31, 1984 was executed by the County pursuant to County Resolution No. 83-2-8-9. The contracts state that trash from five County buildings - the County jail (77 East Market Street), County offices (69 Greene Street), CETA office (220 East Church Street), and County Service Garage/Animal Shelter (641 Dayton-Xenia Road) and County Service Center (651 Dayton-Xenia Road) - was to be picked up once per week.

c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;

The County offices, service center and CETA offices generate wastes typical of an office. The jail and animal control buildings would generate wastes typically associated with such operations. The service garage would generate wastes associated with the maintenance and repair of vehicles.

d) The owner of the waste materials or hazardous substances so accepted or transported;

The contracts do not address the question of the ownership of the wastes once IWD took possession of them.

e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

The quantity of waste materials is not readily determinable.

f) All tests, analyses, and analytical results concerning the waste materials;

None were performed by Greene County. It is not known whether other persons did so.

g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

The County has no information that any wastes generated by it were transported to the Site. The location(s) to which County-generated wastes were transported were selected by IWD.

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

Pursuant to the contract, the County paid a monthly (not per transaction) amount of \$239.00.

i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

Not known.

j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

Not known.

k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

It is not known whether County-generated wastes were brought to the Site.

l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

Not known.

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the

waste material and hazardous substances involved in each transaction;

Not known as of the date of this response.

n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

To the County's knowledge, County-generated trash was deposited into typical trash receptacles, which were emptied into collection vehicles.

o) The price paid for (i) transport or (ii) disposal or (iii) both, of each waste material and hazardous substance;

Please refer to the response to item (h).

p) All documents containing information responsive to a) - o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;

Copies of the contracts referred to in items (a) and (b) are attached.

q) All persons with knowledge, information, or documents responsive to a) - o) above

Please refer to the response to item 1.

11. Identify all liability insurance policies held by Respondent from 1959 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Copies of policies issued to the Greene County Board of Commissioners by the Home Indemnity Company and Great American Surplus Lines are enclosed.

Greenwood Manor, a county owned and operated nursing home, had an insurance policy with Anderson Williams in 1985 and, since 1986, has carried a policy from Montgomery Benson. The County

will supplement this response by forwarding copies of those policies to you.

12. Provide copies of all income tax returns sent to the Federal Internal Revenue Service by Respondent in the last three years. If filed separately, provide copies of all income tax returns sent to the Federal Internal Revenue Service by facilities identified in response to 6., above, in the last three years.

Not applicable.

13. If Respondent is a Corporation, respond to the following requests:

Not applicable.

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not in existence, provide unaudited financial statements.

c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

d) Identify the parent corporation and all subsidiaries.

14. If Respondent is a Partnership provide copies of the Partnership Agreement.

Not applicable.

15. If Respondent is a Trust, provide all relevant agreements and documents related to support this claim.

Not applicable.

16. If Respondent is a business association or joint venture or other similar business organization, provide all relevant agreements and documents to support this claim.

Not applicable.

17. Identify, including telephone number, any person designated to receive all future correspondence from U.S. EPA regarding the Site.

Stephen P. Samuels, Esq.
Samuels and Northrop Company, LPA
180 East Broad Street, Suite 816
Columbus, Ohio 43215
(614) 464-3232
Attorneys for Greene County

and

Ralph C. Harper
County Administrator
61 Greene Street
Xenia, Ohio 45385
(513) 376-5002

CONTRACTS WITH INDUSTRIAL WASTE DISPOSAL

MISSION



INDUSTRIAL WASTE DISPOSAL CO., INC.
P. O. BOX 1453 3975 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

January 18, 1983

RECEIVED
JAN 19 1983

Mr Bruce A. Rickenbach
Greene County Ohio
Department of Building Regulation and Services
651 Dayton-Xenia Road
Xenia, Ohio 45385

RE: Waste Removal Quotation

Dear Mr. Rickenbach:

Industrial Waste Disposal is pleased to submit this proposal to handle your trash removal needs from February 1, 1983 thru January 31, 1984.

We propose to renew our current pricing level for the five (5) Greene County locations we are currently servicing. A complete, current service list is attached for your review.

We have enjoyed our experience with Greene County and look forward to hearing from you.

Sincerely,

Kim Bellamy
Sales Representative

ACCEPTED:

by Resolution No.: 83-2-8-9

GREENE COUNTY BOARD OF COMMISSIONERS

Delmer L. Bone, President

<u>CUSTOMER</u>	<u>LOCATION</u>	<u>SIZE</u>	<u>AMOUNT</u>
Green County Jail	77 East Market Street	1-4-3	\$84.00
Green County Offices	69 Greene Street	1-4-3	84.00
CETA Office	220 East Church Street	1-2-1	25.00
Service Garage/Animal Shelter -	641 Dayton-Xenia Rd.	1-4-1	40.00
Greene County Service Center -	651 Dayton-Xenia Rd.	1-4-2	57.00



Commission

INDUSTRIAL WASTE DISPOSAL CO., INC.
P. O. BOX 1453 3975 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

December 21, 1981

DEC 23 1981

Bruce A. Rickenbach, Director
Department of Building Regulation and Services
651 Dayton-Xenia Road
Xenia, OH 45385

Dear Mr. Rickenbach:

In response to your formal quotation request, for waste removal at the various locations, we hereby submit the following:

A. Greene County Jail - 77 East Market Street

1) One (4) cubic yard container picked up Monday, Wednesday, &
Friday-----\$84.00/mo

~~2) (Alternate) One (6) cubic yard container picked up Monday &
Friday-----\$79.00/mo~~

B. Greene County Offices - 69 Greene Street

1) One (2) cubic yard container picked up one time per
week-----\$25.00/mo

C. Ceta Office - 220 East Church Street

1) One (2) cubic yard container picked up one time per
week-----\$25.00/mo

D. Service George - Animal Shelter

1) One (4) cubic yard container picked up one time per
week-----\$40.00/mo

E. Greene County Service Center - 651 Dayton-Xenia Road

1) One (4) cubic yard container picked up one time per
week-----\$40.00/mo

INDUSTRIAL WASTE DISPOSAL CO., INC.

December 21, 1981

Page 2

F. Sanitary Garage - 774 Cincinnati Avenue (U.S. 42)

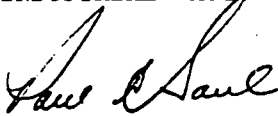
- 1) One (2) cubic yard container picked up one time per week
\$25.00/mo

Industrial Waste Disposal services the Xenia, Ohio, area on Monday, Wednesday, and Fridays on a regular scheduled basis.

We trust you will find our quotation competitive, and if you have any further questions, do not hesitate to contact me personally.

Sincerely,

INDUSTRIAL WASTE DISPOSAL COMPANY, INC.



Paul C. Saul
Sales Department

PCS:nc

ACCEPTANCE:

Resolution No: 82-1-5-4

Attest: Dorothy Boyer
Clerk

by: Greene County Board of Commissioners

Signed

PRESIDENT

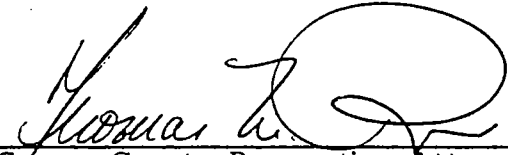
Title

1-5-82
Date

SERVICE TO COMMENCE: February 1, 1982

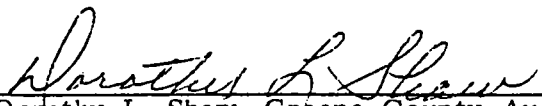
PROSECUTOR'S APPROVAL

Agreement Approved as to Form:


Greene County Prosecuting Attorney
Date: 12-30-81

AUDITOR'S CERTIFICATE

I, Dorothy L. Shaw, being the duly elected Auditor of Greene County, do hereby certify that the monies in the amount of \$2,629.00 to meet this obligation are credited to the applicable fund or are in the process of being collected to the credit of the applicable fund and have been duly appropriated by the Board of County Commissioners and are free from any prior encumbrance.


Dorothy L. Shaw, Greene County Auditor
Date: January 5, 1982